

NIKOLAI &
MERSEREAU, P.A.



July 17, 2003

PATENT APPLICATION

Our Docket No. 20010389,ORI

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re App Michael J. Jungbauer

Serial No. 09/991,818 : Art Unit 1724

Filed : November 19, 2001 : Examiner Chester T. Barry

For : SEPTIC SYSTEM TREATMENT PROCSS

MAIL STOP NON-LIFE AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22213-1450

Sir:

Transmitted herewith is an Amendment in response to the Official Action dated June 25, 2003, in the above-identified patent application.

The Commissioner is hereby authorized to charge any fees listed in 37 CFR 1.16 and 1.17 which may be required by this paper or credit any overpayment to Deposit Account No. 68-1265

No additional fee is required.

Yours very truly,

NIKOLAI & MERSEREAU, P.A.



CERTIFICATE OF MAILING

I hereby certify that the foregoing Amendment consisting of two (2) pages, and a transmittal letter and a return receipt postcard for the application Serial No. 09/991,818 of inventors, MICHAEL J. JUNGBAUER, filed November 19, 2001, for "SEPTIC SYSTEM TREATMENT PROCESS" was deposited with the United States Postal Service as First Class Mail in an envelope addressed to: MAIL STOP NON-FEE AMENDMENT, Commissioner for Patents, P.O. BOX 1450, Alexandria, VA 22313, on Thursday, July 17, 2003.

A handwritten signature in cursive script that reads "Anna Lemke". The signature is written over a horizontal line.

Anna Lemke
On Behalf of Steven E. Kahm



Our Docket No. 20010389.ORI

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re App Jungbauer

S.N. : 09 991,818

Art Unit 1724

Filed : 11/19/2001

Examiner Barry

For : Septic System Treatment Process

RESPONSE

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

This Amendment is submitted in response to the Office Action or Office

Communication dated 06/25/2003.

In addition to the prior response for the above entitled case the applicant states as follows:

No arguments were submitted in support of the old claims as all the old claims were amended or cancelled.

The examiner stated Potts describes a waste stream leading to an aerated septic tank and further to an aerated leach field.

The applicant amended his claims to show the amount of dissolved oxygen to add to the septic tank to make the system work. Potts does not disclose an amount of dissolved oxygen needed in the aerated septic tank. The applicant believes that his work in determining the amount of dissolved oxygen needed to be added to the septic tank to make the system

work is not disclosed by Potts. Potts does not disclose the amount of dissolved oxygen needed to be added to the septic tank to make the system

the way Potts teaches aerating the drain field. Potts teaches the use of a system of conduits

and pumps to supply oxygen to the ground. The applicant claims the use of augering six-inch diameter holes to the level of aggregate rock in the drain field and then placing an aerator therein. The applicant teaches a different apparatus for aerating the drain field, which in combination with having a specified amount of dissolved oxygen in the septic tank makes the system operate. Therefore it is believed that new claim 5 which depends on amended claim 1 is allowable in that the combination of the amount of dissolved oxygen in the septic tank and the method of aerating the drain field is not taught by Potts.

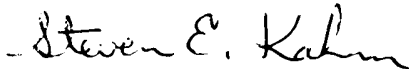
New claim 6 claims the number of aerators needed to make the system operate. Claim 6 is dependent on claim 5, which was shown to be allowable above, therefore it is believed claim 6 is allowable.

Original claim 2 is unchanged. It is dependent on newly amended claim 1 which was shown to be allowable above.

The applicant requests reconsideration.

Respectfully submitted,

NIKOLAI & MERSEREAU, P.A.



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